

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3

4 UNITED STATES OF AMERICA,)
5)
6 PLAINTIFF,) CASE NO. 10CR1805-JAH
7)
8 VS.) SAN DIEGO, CALIFORNIA
9)
10 DANIEL EDWARD CHOVAN,) FRIDAY,
11) SEPTEMBER 10, 2010
12) 11:40 A.M.
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11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 MOTION HEARING

13 BEFORE THE HONORABLE JOHN A. HOUSTON
14 UNITED STATES DISTRICT JUDGE
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21 CAMERON P. KIRCHER
22 CSR NO. 9427, RPR, CRR, RMR
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24 SAN DIEGO, CALIFORNIA 92101
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1 APPEARANCES:

2 FOR THE GOVERNMENT: LAURA E. DUFFY, U.S. ATTORNEY
3 BY: CAROLINE PINEDA HAN, ESQ.
4 ASSISTANT U.S. ATTORNEY
880 FRONT STREET
SAN DIEGO, CALIFORNIA 92101

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6 FOR THE DEFENDANT: FEDERAL DEFENDERS OF SAN DIEGO
7 ATTORNEYS AT LAW
8 BY: JOSHUA J. JONES,, ESQ.
225 BROADWAY STREET
SUITE 900
SAN DIEGO, CALIFORNIA 92101

1 SAN DIEGO, CALIFORNIA - FRIDAY, SEPTEMBER 10, 2010

2 11:40 A.M.

3 THE CLERK: NO. 14 IS 10CR1805, THE UNITED STATES OF
4 AMERICA VERSUS DANIEL EDWARD CHOVAN.

5 MR. JONES: GOOD MORNING, YOUR HONOR. JOSHUA JONES,
6 FEDERAL DEFENDERS, ON BEHALF OF MR. CHOVAN, WHO IS PRESENT ON
7 BOND.

8 THE COURT: GOOD MORNING.

9 GOOD MORNING, SIR.

10 THE DEFENDANT: GOOD MORNING, YOUR HONOR.

11 MS. HAN: GOOD MORNING, YOUR HONOR. CAROLINE HAN ON
12 BEHALF OF THE UNITED STATES.

13 THE COURT: GOOD MORNING.

14 WHERE ARE WE, COUNSEL?

15 MR. JONES: YOUR HONOR, AT THIS POINT, WE'RE
16 PREPARED TO SET A TRIAL DATE ON THIS MATTER.

17 THE COURT: OKAY. MY NEXT TWO TRIAL DATES ARE --
18 WELL, THE FIRST ONE IS SEPTEMBER 21; TWO WEEKS.

19 MS. HAN: YOUR HONOR, MR. JONES AND I HAVE HAD A
20 DISCUSSION ABOUT POSSIBLY RESOLVING THIS MATTER, AND SO I
21 THINK IF WE WENT OUT A COUPLE OF WEEKS BEYOND THAT, WE COULD
22 WORK THOSE ISSUES OUT; AND IF NOT, ADEQUATELY HAVE TIME TO
23 PREPARE FOR TRIAL.

24 MR. JONES: THAT'S CERTAINLY AMENABLE FOR US AS
25 WELL.

1 THE COURT: IS A DISCOVERY MOTION STILL PENDING?

2 MR. JONES: IT IS, YOUR HONOR.

3 THE COURT: 7 DECEMBER.

4 MR. JONES: I'M SORRY?

5 THE COURT: 7 DECEMBER. DECEMBER 7TH, I'M SORRY.

6 DECEMBER 7TH, 9 O'CLOCK IN THE MORNING, JURY TRIAL.

7 THE DEFENDANT: THANK YOU, YOUR HONOR.

8 MS. HAN: YOUR HONOR, ONE ADDITIONAL MATTER. IN
9 READING THE COURT'S ORDER ON THE MOTION TO DISMISS THE
10 INDICTMENT, THE COURT DID NOTE SOME OF THE OBSERVATIONS THAT
11 WE HAD INCLUDED IN OUR MOTIONS REGARDING THE YOUTUBE VIDEOS.
12 HOWEVER, THEY WERE NOT SUBMITTED AS ANY EXHIBITS TO OUR
13 MOTION. HOWEVER, WE THINK THAT THERE WILL BE FUTURE
14 APPELLATE LITIGATION REGARDING THIS ISSUE, AND SO WITH THE
15 COURT'S PERMISSION, WE'D LIKE TO ADD THOSE IN AS EXHIBITS TO
16 OUR MOTIONS.

17 THE COURT: COUNSEL.

18 MR. JONES: I WOULDN'T HAVE ANY OBJECTION TO THEM
19 BEING MADE PART OF THE RECORD FOR PURPOSES OF APPEAL.

20 THE COURT: OKAY. I DID GO ONLINE. THERE WAS A
21 REFERENCE. I WENT ONLINE.

22 MS. HAN: OKAY.

23 THE COURT: THEY MAY BE MADE PART OF THE RECORD.

24 MS. HAN: THANK YOU, YOUR HONOR.

25 MR. JONES: THANK YOU, YOUR HONOR.

1 (PROCEEDINGS CONCLUDED AT 11:42 A.M.)

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3 C E R T I F I C A T I O N

4 I HEREBY CERTIFY THAT I AM A DULY APPOINTED,
5 QUALIFIED AND ACTING OFFICIAL COURT REPORTER FOR THE UNITED
6 STATES DISTRICT COURT; THAT THE FOREGOING IS A TRUE AND
7 CORRECT TRANSCRIPT OF THE PROCEEDINGS HAD IN THE
8 AFOREMENTIONED CAUSE; THAT SAID TRANSCRIPT IS A TRUE AND
9 CORRECT TRANSCRIPTION OF MY STENOGRAPHIC NOTES; AND THAT THE
10 FORMAT USED HEREIN COMPLIES WITH THE RULES AND REQUIREMENTS
11 OF THE UNITED STATES JUDICIAL CONFERENCE.

12 DATED: APRIL 4, 2011, AT SAN DIEGO, CALIFORNIA.

13 S/CAMERON P. KIRCHER
14 CAMERON P. KIRCHER
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